

**UNITED STATES BANKRUPTCY COURT
FOR THE
WESTERN DISTRICT OF MICHIGAN**

LOCAL BANKRUPTCY RULES

FEBRUARY 1, 2002

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WESTERN DISTRICT OF MICHIGAN BANKRUPTCY COURT

EFFECTIVE: FEBRUARY 1, 2002

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LOCAL RULE 1001
Scope, Citation, and Definitions

(a) *Scope* - These Rules of local bankruptcy practice are promulgated pursuant to FED. R. BANKR. P. 9029 to supplement the Federal Rules of Bankruptcy Procedure.

(b) *Short Title* - These Rules shall be known as the "Local Bankruptcy Rules" and may be cited as "LBR[#]."

(c) *Application of Rules* - These Local Bankruptcy Rules shall apply to all cases and proceedings except to the extent that these Rules may be inconsistent with the Bankruptcy Code or the Federal Rules of Bankruptcy Procedure.

(d) *Definitions* - The following words used in these Local Bankruptcy Rules have the meanings indicated below:

(1) "Clerk" means the Clerk for the United States Bankruptcy Court for the Western District of Michigan, or designated deputy clerk.

(2) "Court" includes the judicial officer before whom a case or proceeding is pending.

(3) "Code" means the United States Bankruptcy Code, Title 11 of the United States Code.

(e) *Forms* - Whenever the use of a form is required under these Local Bankruptcy Rules, FED. R. BANKR. P. 9009 will apply.

LOCAL RULE 1002
Disclosure of Non-filing Spouse

In Schedule I, an individual debtor shall state the full legal name and address of any non-filing spouse, or state that the debtor has no spouse.

LOCAL RULE 1004
Partnership Petition

When a voluntary petition is filed by a partnership, evidence of the consent of all general partners shall be attached to the petition unless other than unanimous consent is permitted by a written partnership agreement. In the event that the partnership agreement allows other than unanimous consent, a declaration to that effect will be attached to the petition.

LOCAL RULE 1006
Filing Fee

(a) *Payment of Fees in Installments* - The Clerk may approve for the Court an application by an individual to pay filing fees in installments.

(b) *Unpaid Prior Filing Fees* - If a debtor has unpaid filing fees from a prior bankruptcy case, the filing fees in the current case shall be fully paid within seven business days of the filing, notwithstanding the filing of any application to pay filing fees by the debtor. If the filing fee in the current case is not fully paid within seven business days, the Court may dismiss the case without a hearing or advance notice to the debtor and other parties in interest.

LOCAL RULE 1007-1
Number of Copies

(a) *Petitions* - An original petition for relief filed under the following chapters of the Bankruptcy Code shall be accompanied by the corresponding number of copies indicated below.

(1) *Chapter 7 Petition* -

(A) Filed under subchapters I and II - three copies;

(B) Filed under subchapter III (stockbroker liquidation) or subchapter IV (commodity broker liquidation) - four copies.

(2) *Chapter 9 Petition* - five copies.

(3) *Chapter 11 Petition* -

(A) Filed under subchapters I, II and III only - five copies;

(B) Filed under subchapter IV (railroad reorganization) - seven copies.

(4) *Chapter 12 Petition* - three copies.

(5) *Chapter 13 Petition* - two copies, unless the United States' Internal Revenue Service is listed as a creditor, in which case three copies.

(6) *A Petition Commencing a Case Ancillary to a Foreign Proceeding* - two copies.

The number of copies indicated above includes the extra copy required to be filed for the United States Trustee by the Federal Rules of Bankruptcy Procedure.

(b) *Amendments, Schedules, Statements, and Lists* - The number of copies of amendments, schedules, statement of affairs, and lists filed shall correspond to the number of copies of the petition required to be filed in the case by this Rule. When amendments are filed, the party filing an amendment shall file a proof of service showing compliance with FED. R. BANKR. P. 1009.

(c) *Motions, Stipulations, Affidavits, Objections, Orders, and Briefs* - Original motions, stipulations, affidavits, objections, and proposed orders shall be accompanied by one copy. A legal brief filed with the Clerk shall be double spaced and accompanied by two copies.

(d) *Chapter 12 and 13 Claims* - See LBR 3002.

(e) *Chapter 13 Plan* - Debtor shall file original plus two copies with the petition.

(f) *Service of Papers upon the United States Trustee* - See LBR 5005.4.

LOCAL RULE 1007-2
Additional Required Documents

(a) When filing a bankruptcy petition under chapters 7 and 11, a corporate debtor shall file a copy of a corporate resolution which authorizes such filing.

(b) *Mailing Matrix*

(1) At the time a bankruptcy petition is filed, the debtor shall file with the Clerk a master mailing matrix containing the names and addresses of all creditors and other entities required to be notified of the bankruptcy proceeding.

(2) All matrices must comply with the matrix requirements to be published by the Clerk. Instructions for the preparation of matrices are appended to these Local Bankruptcy Rules as Exhibit 1. A verification of matrix form is appended to these Rules as Exhibit 2.

(3) In any case in which 100 or more creditors are listed on the mailing matrix, the matrix shall be submitted to the Clerk on a 3.5" floppy disk or in an electronic format acceptable to the Clerk. See

Exhibit 3. The electronic submission shall be accompanied by one printed copy of the matrix.

(c) Asset Protection Report

(1) Chapter 7 Filings.

(A) A chapter 7 debtor shall file an asset protection report with the petition.

(B) Any debtor who moves this Court to convert a case from chapter 11, 12 or 13 to chapter 7 shall file with the motion to convert an asset protection report. If the conversion is involuntary, the debtor shall file the asset protection report within five days of the date of the entry of the order for conversion.

(C) Failure to comply with the terms of this Rule may result in the dismissal of the case, or other appropriate relief as determined by the Court.

(D) Copies of the approved asset protection report form may be obtained from the Clerk. A copy of the asset protection report is appended to these Local Bankruptcy Rules as Exhibit 4.

(2) Compliance with FED. R. BANKR. P. 1007 and 1019(5) - The filing of the asset protection report does not excuse a debtor from timely filing the schedules of assets and liabilities required by FED. R. BANKR. P. 1007 and 1019(5).

(d) Pre-Filing Notice

(1) Clerk to Furnish - In order to implement section 342(b) of the Code, pre-filing notices shall be made available by the Clerk to any attorney or individual upon request. The pre-filing notice shall indicate each chapter of title 11 under which an individual may proceed. A copy of the pre-filing notice is appended to these Local Bankruptcy Rules as Exhibit 5.

(2) When Filing is Required - All petitions filed by individuals must be accompanied by a pre-filing notice signed by the debtors to acknowledge that they have read and understand the notice. The only cases excepted from this requirement are those in which the schedules are filed contemporaneously with the petitions, and the schedules clearly show that the debts are not primarily consumer debts.

LOCAL RULE 1009

Amendments of Petitions and Schedules

(a) Procedure - An amended petition, schedule, list, statement of financial affairs, statement of income and expenses, mailing matrix or summary of assets and liabilities shall be accompanied by a Coversheet for Amendments, which shall substantially comply with Exhibit 6 attached. The amended document shall contain an original signature by the amending party. If several documents are contemporaneously amended, the amending party may attach to the amended documents one signed affirmation relating to all of the amended pages in the same form as required on the original documents. If adding creditors, a supplemental mailing matrix reflecting only those additional creditors shall be filed with the amendment.

(b) Service of Amendment - The debtor shall serve a copy of the amendment and the Coversheet for Amendments upon the trustee and all other entities adversely affected by the amendment, and shall promptly file a proof of service. If the amendment adds a creditor or creditors, the debtor shall also promptly serve upon those creditors a copy of the Notice of Commencement of Case, Meeting of Creditors and Fixing of Deadlines and shall promptly file a proof of service.

LOCAL RULE 1014

Determination of Place of Holding Court

(a) *Clerk to Determine Location for Hearings* - The Clerk shall schedule all hearings, trials and other matters before this Court to be held in the designated locations specified below, unless the judge assigned to a specific case shall change the designation by order. If the county of residence or principal place of business of the debtor listed on the bankruptcy petition is in one of the following counties, then the appropriate location will be designated as follows. However, if it is clear that the debtor's county of residence or the location of the principal place of business has recently changed and that for the majority of six months immediately preceding filing that county would have been another county within this district, then that previous location should be used for purposes of this Rule.

(1) For the following counties the designated location for holding court is Grand Rapids:

Barry	Ionia	Kent	Mecosta	Montcalm
Muskegon	Newaygo	Oceana	Ottawa	

(2) For the following counties the designated location for holding court is Kalamazoo:

Allegan	Berrien	Branch	St. Joseph	Van Buren
Hillsdale	Cass	Calhoun	Kalamazoo	

(3) For the following counties the designated location for holding court is Lansing:

Clinton	Eaton	Ingham
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(4) For the following counties the designated location for holding court is Traverse City:

Antrim	Benzie	Charlevoix	Emmet
Lake	Kalkaska	Leelanau	Grand Traverse
Manistee	Mason	Missaukee	Osceola
Wexford			

(5) For the following counties the designated location for holding court is Marquette:
All of the counties in the Upper Peninsula of Michigan.

(b) *Motion to Change Location for Hearings* - The debtor, any creditor, or any other party in interest may seek a transfer of the designated location for holding court in any bankruptcy case or adversary proceeding which may be warranted in the interest of justice or the convenience of the parties by filing a motion which shall be noticed to all interested parties pursuant to Local Rule 9013.

(c) *Exception in Pro Bono Cases* - Notwithstanding subsection (b) of this Rule, an attorney who is affiliated with a pro bono program and who has agreed as part of the program to represent an indigent client before this Court without charge to the client, may submit a motion and ex parte order transferring the case to the location for holding court which is located nearest the principal office of the attorney. The Court may then issue an order transferring the location for holding court as prayed for without prior hearing. All such orders shall be noticed by the Clerk to all parties in interest together with a notice of the action and an opportunity to object. If an objection is filed, the hearing will be scheduled for the designated location to which the case would normally be assigned absent a request for redesignation. The standard for transfer of location of hearings shall be the interest of justice or convenience of all parties, including the ability of the indigent party to retain representation if such transfer is denied.

LOCAL RULE 2002 **Noticing**

(a) *General Rule* - Except as noted in subsections (b) and (c) below, notices, orders, and other documents will be served by the parties who prepared them, or if prepared by the Court, they will be served by

the party for whom they are prepared.

(b) *Exceptions to the General Rule* - The Clerk will serve:

(1) 341 meeting notices in chapter 7, 9 and 11 cases. The chapter 12 and 13 standing trustees shall serve such notices for those cases to which they are assigned, unless they elect in writing to allow the Clerk to serve the notices;

(2) All notices of possible dividends and discharge. Also, the Clerk will serve notices of abandonment in no asset cases or if the trustee has reason to believe that the debtor is using uninsured assets. Abandonment notices will be served to the persons and addresses indicated by the trustee;

(3) Notices or orders which are required to be served on all creditors by the Office of the United States Trustee. This includes notices of final accounting and orders of distribution; and,

(4) Notices of sale sent to the Buyers' List maintained by the Clerk.

(c) *Emergencies or Indigence* - A Judge, the Clerk or designated representative may permit any notice, order or other document to be served by the Clerk because:

(1) The hearing or order must be handled on an expedited basis and the Clerk can serve the parties more quickly than the otherwise designated party; or

(2) The party having the burden of service is indigent and has no funds to serve a required document.

(d) *Private Mailing Services* - The Clerk maintains a list of agencies which will provide mailing services for bankruptcy clients. The Clerk will work with such agencies to coordinate service of notices and orders to meet the requirements of the parties and the Court.

(e) *Noticing Charges* - A charge of \$.50 per page will be assessed for copying notices, orders, or other documents which are served by the Clerk or required by Local Rule.

(f) *Chapter 12 and 13 Noticing Fees* - Chapter 12 and 13 standing trustees are authorized to charge against chapter 12 and chapter 13 estates a fee per notice in an amount determined by general order of the Court, as an administrative expense. The monies so collected shall not be calculated as part of the combined percentage fee which is permitted by 11 U.S.C. Section 330 as limited by the United States Trustee.

LOCAL RULE 2004

Examination of a Party in Interest

Any entity who is seeking to examine a party in interest pursuant to FED. R. BANKR. P. 2004 shall contact the party's attorney (or the party directly if not represented by counsel) for the purpose of arranging a mutually convenient date, time, and place before filing an application pursuant to that rule. The application shall affirmatively indicate that the proposed date, time, and place for examination have been agreed upon by all concerned. If the applicant is unable to confirm these matters with the party's attorney after making all reasonable efforts, an application for examination may be filed, indicating specifically the efforts that were made as well as the proposed date, time, and place of the examination.

LOCAL RULE 2014

Appointment of Professional Persons

(a) *General Procedure for Applications Under FED. R. BANKR. P.* - This Rule shall govern all applications for employment of professional persons made under 11 U.S.C. Sections 327, 1103 and 1114.

(1) *Filing the Application* - All applications for employment of professionals filed pursuant to

FED. R. BANKR. P. 2014 shall be filed with the Clerk. Each application must be accompanied by two copies and a proposed order.

(2) *Service of the Application* - Unless the case is a chapter 9 municipality case, every applicant shall file two extra copies of the application, verified statement, other supporting documents and proposed order with the Clerk who will transmit one of the copies directly to the United States Trustee.

(3) *Objections* - The United States Trustee shall have 25 days from the date of docketing of the application in which to file with the Clerk a written statement of any objection which it might have to the application. A copy of the objection shall be sent to the applicant by the United States Trustee.

(4) *Statement of No Objection* - Solely within its discretion, the United States Trustee may choose to file, within the 25 day period set forth in subsection (a)(3), a Statement of No Objection with the Clerk regarding any application served upon it by the Court pursuant to subsection (a)(2) of this Rule. When doing so, the United States Trustee shall also serve a copy of the Statement of No Objection on the applicant or applicant's professional by fax transmission or regular mail. If the United States Trustee files and serves a Statement of No Objection, the proposed order will be entered approving the application, unless the Court orders otherwise.

(5) *Hearings on Applications* - No hearing shall be set on any application falling within the scope of subsection (a) of this Rule unless:

(A) an objection is received from the United States Trustee; or

(B) the Court orders that a hearing be held.

(6) *Notice of Hearings* - In the event a hearing is required, the Clerk shall schedule a hearing and serve notice of the hearing upon the United States Trustee, the applicant and others as may be directed by the Court.

(7) *Submission of Order* - In the event a hearing is held, a proposed order shall be submitted as directed by the Court. In the event no objection is filed or hearing held, the applicant shall submit to the Court, no less than 30 days after the date of docketing of the application, an affidavit that no objection has been filed. If the United States Trustee chooses to file a Statement of No Objection, no further affidavit is required to be filed by the applicant or applicant's professional.

(b) *Emergency Approval of Applications Under FED. R. BANKR. P. 2014* - If the applicant requires emergency approval of the application for employment of professional persons, it shall immediately deliver a copy of the application to the United States Trustee. Should the United States Trustee agree that it has no objection to the application, it may, solely within its discretion, certify on the applicant's proposed order that it has no objection to the application, the applicant may then file the application and the proposed order will be entered, unless otherwise ordered by the Court.

LOCAL RULE 2016

Fee Applications Filed Pursuant to Federal Rule of Bankruptcy Procedure 2016

(a) *General Procedure for Applications Under FED. R. BANKR. P. 2016* - Except as noted in subdivisions (b) and (c) of this Rule, the provisions of this subsection shall govern all applications for compensation or reimbursement filed pursuant to FED. R. BANKR. P. 2016.

(1) *Filing the Application and Notice* - All applications for compensation or reimbursement in excess of \$1,000 filed pursuant to FED. R. BANKR. P. 2016 shall be filed with the Clerk. Each application must be accompanied by a "Notice to Creditors and Other Parties in Interest," which is appended to these Rules as Exhibit 7, and a proof of service showing service of the notice on all interested parties, and compliance with subsection (a)(2) below, except as noted in subsection (a) (7) below.

(2) *Service of the Application* - Not later than concurrently with the filing of the application with the Clerk, every applicant shall serve a copy of the application, supporting documents, and proposed

order to the United States Trustee, as directed by the Federal Rules of Bankruptcy Procedure, and upon any standing or case trustee, any creditors' or equity security holders' committees of record, and the attorney for any of the preceding parties, except as noted in subsection (a)(7) below.

(3) *Objections* - Interested parties and the United States Trustee shall have 20 days from the date of service of the notice in which to file with the Clerk a written statement of any objection which they might have to the application. A copy of the objection shall be served upon the applicant, the United States Trustee and interested parties.

(4) *Hearings on Applications* - No hearing shall be set on any application falling within the scope of subsection (a)(3) of this Rule unless -

(A) a timely objection is received from an interested party or the United States Trustee; or

(B) the Court orders that a hearing be held.

(5) *Notice of Hearings* - In the event that a hearing is required, the Clerk shall schedule a hearing and serve notice of the hearing upon the United States Trustee and all interested parties.

(6) *Submission of Order* - In the event a hearing is held, a proposed order shall be submitted as directed by the Court. In the event no objection is filed or hearing held, the applicant shall submit to the Court, no less than 25 days after the date of service of the notice, an affidavit that no objection has been filed and a proposed order. A form affidavit is appended to these Rules as Exhibit 8.

(7) *Final Fees in Chapter 7 Case* - No notice to creditors or proposed order for payment of fees and expenses need be filed or served with the application for fees and expenses, if the fees and expenses will be included by a trustee as part of the final account to creditors in a chapter 7 asset case.

(b) *Applications in the Amount of \$1,000 or Less.*

(1) *Filing* - Applications for compensation and reimbursement of \$1,000 or less shall be filed with the Clerk. Each application must be accompanied by a proof of service stating that a copy of the application, supporting documents and a proposed order were served upon the United States Trustee, the trustee, and the debtor. If no stipulation is presented pursuant to subsection (b)(2), then service of the application shall be made by the moving party on those parties who would be required to sign the stipulation, using the procedure set forth in subsection (a).

(2) *Approval Upon Stipulation* - Orders for payment of fees of \$1,000 or less may be approved upon submission to the Court of a stipulated agreement that no signatory to the agreement intends to pursue any objection they might have to the application. This agreement must be signed by the applicant and the parties below:

(A) *Chapter 7* - The trustee and the United States Trustee.

(B) *Chapter 11* - The debtor-in-possession, trustee, the United States Trustee, and any counsel for committees of record.

(C) *Chapter 12* - The debtor and the trustee.

(D) *Chapter 13* - The debtor and the trustee.

(c) *Applications in Cases Under Chapters 12 and 13.*

(1) *Filing of the Fee Agreement* - A professional person entitled to compensation in a case under either chapter 12 or chapter 13 must file a copy of the executed general fee agreement with the Clerk, and serve a copy on the standing trustee as agent of the United States Trustee, no less than 20 days after the filing of the chapter 12 or 13 petition. No chapter 12 or 13 plan containing a provision for payment of professional fees shall be confirmed unless all relevant fee agreements have been timely filed. Objections, if any, to the general fee agreement shall be heard at the confirmation hearing. The executed general fee agreement shall plainly indicate the basic fee to be paid for general services. The agreement shall also specifically define any matters which will require compensation beyond the basic fee agreed to, and the method by which this additional compensation shall be computed.

(2) *Plan Amendments that Change Compensation* - Amendments to the plan which change any provision of the general fee agreement must be set for hearing upon 25 days notice to the debtor, the standing trustee, and the United States Trustee.

(3) *Applications for Compensation Beyond the Basic Fee* - Applications for fees in excess of the basic fee must conform to the applicable provisions of the general fee agreement. No additional fees beyond the basic fee shall be approved by the Court unless the applicant submits an itemized statement or other documentation which comports with the method for computing additional compensation set forth in the general fee agreement. Applications for compensation beyond the basic fee shall be treated in accordance with subsection (a) of this Rule. All such applications must be accompanied by a plan amendment and notice of amendment explaining how this additional fee will be paid through the plan, and how this additional fee will affect the distribution to creditors, the length of the plan, or otherwise adversely affect parties in interest. The form of this required notice is appended to these Rules as Exhibit 9.

LOCAL RULE 3002

Chapter 12 and 13 Claims

(a) To file a chapter 12 or 13 claim, two claim forms must be filed with the Clerk as follows:

(1) One original, signed claim form which includes all necessary attachments in support of the claim as required by FED. R. BANKR. P. 3001(c) and (d); and

(2) One copy of the original claim form which includes a complete set of attachments as required in subsection (a)(1) above to be forwarded by the Clerk to the trustee.

(b) Upon receipt of the two proof of claim forms, the Clerk will deliver one copy to the trustee.

(c) Claims are deemed filed on the date and time received by the Clerk unless the Court, under FED. R. BANKR. P. 5005(c), orders that a claim erroneously delivered to another party shall be deemed filed with the Clerk on that date.

LOCAL RULE 3013

Classification of Claim and Interests in Plan

If a chapter 11 plan classifies secured claims and/or priority unsecured claims or equity interests, it shall identify by name, if practicable, the person or entities holding claims or interests within each such class and the amount of each claim or equity interest within each such class.

LOCAL RULE 3015

Chapter 12 and 13 Plans

(a) *Service of 341 Meeting Notices and Plans* - A 341 meeting notice and a copy of the debtor's plan will be served upon all creditors and parties in interest listed on the mailing matrix by the standing trustee, or the Clerk. It shall be the responsibility of the debtor or the debtor's attorney to serve a copy of the debtor's plan upon all creditors and other parties in interest if: (1) the debtor failed to file a mailing matrix with the petition or has added creditors to such matrix after the date of filing, or (2) the debtor failed to file a plan with the petition, and the trustee or Clerk has previously noticed the case to creditors. Proofs of service shall be filed with the Clerk and a copy to the trustee.

(b) *Dismissal When the Debtor Fails to File Schedules, Statement or a Plan* - When a debtor files an original chapter 13 proceeding but does not file the schedules and statements required by FED. R. BANKR. P. 1007(b) with the original petition, or a plan required by FED. R. BANKR. P. 3015(b) with the original petition, the Court will send the debtor and debtor's attorney a notice that if the debtor fails to file these required documents or a proper motion for extension within 15 days of filing the petition, the case will automatically be dismissed by the Court without further hearing at the expiration of 15 days after service of the notice from the Court, or at the expiration of the period to which an extension has been granted if required documents are not filed by that date. This procedure shall not be used when a case has been converted to chapter 13 from another chapter of the Bankruptcy Code.

(c) *Payroll Orders in Chapter 13 Cases* - A payroll order shall be entered in every chapter 13 case, unless impracticable, or the debtor does not derive any income from wages. The debtor shall include the following language in the plan:

"The debtor will submit all disposable income directly to the control and supervision of the trustee. If the debtor becomes 30 days delinquent in making payments under the plan, the trustee may submit a payroll order to the Clerk with an appropriate affidavit (copied to the debtor and debtor's counsel) and the Court may enter the payroll order without further hearing. The debtor will notify the trustee immediately of any changes of employment until the plan is completed."

The debtor may for good cause file a motion to reconsider the entry of a payroll order if sufficient cause is present.

(d) *Bar Date for Objections to Confirmation* - Any objections by creditors to confirmation of a debtor's plan may be filed up to 5 days before the hearing or adjourned hearing set to consider confirmation of the plan.

(e) *Pre-Confirmation Amendments to Plans* - All pre-confirmation amendments to plans must be filed by the debtor or the debtor's attorney and served on the standing trustee and all creditors and parties in interest who may be adversely affected by the amended plan, with a notice of the hearing date for confirmation, including a statement that all objections to the amended plan must be filed with the Clerk at least 5 days prior to the hearing date. Proofs of service shall be filed with the Clerk and a copy to the trustee. All amendments shall indicate the chronological order of filing by being entitled with the prefix "First Amended; Second Amended...", etc.

(f) *Post-Confirmation Modifications or Amendments to Plans Filed by Debtors* - All post-confirmation modifications or amendments to confirmed plans may be noticed by the debtor or debtor's attorney on a "notice and opportunity" basis pursuant to LBR 9013. The debtor or debtor's attorney shall serve the standing trustee with the modification or amendment and a notice. The debtor or debtor's attorney shall serve all creditors and parties in interest who are adversely affected by the modification or amendment with a copy of the modification or amendment and a notice. Proofs of service shall be filed with the Clerk and provided to the trustee.

(1) *Bar Date for Objections to Post-Confirmation Modifications or Amendments to Plans* - Any responsive pleading filed by the standing trustee, a creditor or party in interest to a debtor's post-confirmation modification or amendment to a plan under subsection (a) above must be filed with the Clerk and served upon the debtor, debtor's attorney and chapter 13 trustee within 20 days of the date on which the debtor or debtor's attorney served the modification or amendment to the plan.

(2) *Remedy if an Objection is Not Timely Filed* - Should the chapter 13 trustee, a creditor or party in interest not file a timely objection as set forth in subsection (d)(1) above, the debtor or debtor's attorney shall, after the expiration of 25 days from the date of service of the modification or amendment, file with the Clerk an affidavit of no objection with a proposed order approving the modification or

amendment to the plan. The Court may enter the order provided its form is acceptable to the Court.

(3) *Hearings* - If an objection is timely filed or the Court deems a hearing necessary, the Court shall schedule a hearing and shall provide a Notice of Hearing to the party filing the objection for service on the chapter 13 trustee, debtor and debtor's attorney.

(g) *Emergency Refunds to Debtors* - Emergency refunds to debtors of chapter 13 estate monies may be approved by and in the sole discretion of the chapter 13 trustee without Court authority upon the showing of proper cause. All such refunds shall be repaid to the chapter 13 estate before completion of all payments due pursuant to the plan.

LOCAL RULE 3018

Ballots

All original ballots for accepting or rejecting a chapter 11 plan shall be filed with the Clerk.

LOCAL RULE 3020

Post Confirmation Reporting Requirements

Any proponent of a plan who has obtained confirmation of a chapter 11 plan, or a trustee appointed under the plan, must file semi-annual reports with the Clerk until a final decree has been entered and the case is closed. Reports are due January 1st and July 1st of each year, provided that no report is due on such date if confirmation of the plan occurred fewer than 90 days previously. The plan proponent or trustee must also prepare all additional reports requested by the United States Trustee. An original signed report which conforms with Exhibit 10 to these Rules as well as original signed copies of all additional reports requested by the United States Trustee will be filed with the Clerk, and copies served on the United States Trustee.

LOCAL RULE 3022

Final Decree and Closing

Unless the Court orders otherwise, chapter 11 debtors shall file a motion for entry of a final decree upon substantial consummation of the plan. The motion shall be served upon all creditors, the United States Trustee, and other parties in interest. Upon entry of the final decree, and when all contested matters and adversary proceedings are completed, the Clerk shall close the case.

LOCAL RULE 4001-1

Procedure for Motions for Relief from the Automatic Stay

(a) *Scope and Purpose of this Rule* - This Rule governs all motions made pursuant to FED. R. BANKR. P. 4001(a) for relief from the automatic stay provided for in section 362(a) of the Code.

(b) *Filing, Notice and Service* - All motions for relief from the automatic stay shall be filed with the Clerk as directed in LBR 5001.

(1) Relief from the automatic stay may be requested by using the procedure described in LBR 9013(c), subject to the requirements of subsection (b)(2) below, except that in a chapter 7 case, the procedure may not be used without the consent of the chapter 7 trustee until after the section 341 meeting has been commenced. Use of this procedure will be deemed to constitute a waiver by the

movant of the time limitations stated in section 362(e) of the Code. If a hearing is requested or a response is filed by a party to these proceedings, only the final hearing will be scheduled under LBR 9013(c)(3). The automatic stay shall continue in effect until such hearing is held. Nothing in this subsection shall prohibit a party from seeking relief from stay under section 362(e) of the Code without using the procedure described in LBR 9013(c).

(2) *Documentation Required for Use of LBR 9013* - Any party filing a motion for relief from the automatic stay under section 362(e) of the Code pursuant to subsection (b)(1) above shall attach to its motion documentary proof that the lien has been perfected in accordance with applicable law.

(3) If the movant decides not to use the procedure outlined in LBR 9013(c), or if the Court determines, in its discretion, that the relief from stay action should proceed by preliminary and final hearing, the Clerk shall schedule the preliminary hearing on the motion for a date within 30 days from the filing of the motion, and a final hearing for a date within an additional 30 days. Whenever such scheduling would violate the time limits of the Bankruptcy Code, Federal Rules of Bankruptcy Procedure, or these Local Bankruptcy Rules, the Clerk shall make such alternative provisions as are required to remain in compliance with section 362(e) of the Code. The Clerk shall return a time-stamped copy of the motion, together with a copy of the notice, to the movant for service. The movant must file a proof of service before the preliminary hearing, and in any event, before any relief may be granted on the motion.

(c) *Preliminary and Final Hearings* - At the preliminary hearing the Court shall determine (1) whether material, disputed issues of fact exist, and (2) whether there is a reasonable likelihood that the party opposing the relief will prevail. These issues will be decided solely upon the arguments of counsel and may be limited to one hour or less, unless the Court upon prior request of counsel permits another procedure. The parties may further request that a preliminary hearing be treated as a final hearing. If the Court finds the existence of material, disputed facts and a likelihood that the party opposing relief will prevail, the hearing may be adjourned to a final hearing. At the preliminary hearing the Court may decide questions of law, may define factual or legal issues to be decided at the final hearing, and may issue an appropriate scheduling order. If the preliminary hearing is adjourned to the final hearing, the stay shall remain in place until the final hearing. The Court may take necessary actions to adequately protect the moving party's property interests in the interim. Testimony at the final hearing will be limited to one hour unless a party requests and obtains a time and date for a longer hearing prior to, at, or as soon as practicable after the preliminary hearing.

(d) *Settlements* - Nothing in this Local Bankruptcy Rule shall prohibit the parties from concluding a stipulated settlement of the motion in accord with LBR 7090 or 4001-3.

LOCAL RULE 4001-2
Motions for Use of Cash Collateral
or to Obtain Credit

(a) A motion for use of cash collateral under section 363(c) of the Code or to obtain credit under section 364(c) or (d) of the Code, shall explicitly state the adequate protection offered the creditor and shall aver the moving party's position as to the value of each of the secured interests to be protected. Appraisals and projections, to the extent pertinent and available, are to be summarized in the motion.

(b) If a debtor files a motion for the entry of an order approving an agreement for the use of cash collateral or to obtain credit on an expedited basis, the Court may enter the order without a hearing if:

(1) The order is approved by all creditors who may have an interest in the cash collateral to be used, by any entity extending the requested credit, by the chairperson or attorney for each official committee (if any), and by the United States Trustee;

(2) The order provides for the debtor to use cash collateral or to obtain credit in a maximum

specified dollar amount necessary to avoid immediate and irreparable harm only until the earlier of:

(A) a final hearing, or

(B) the order becomes a final order;

(3) The order provides for a final hearing, the date and time for which shall be scheduled by the Court when the order is entered;

(4) The order provides that the debtor shall serve a copy of the motion with its attachments and the order upon all parties who are required to be served under FED. R. BANKR. P. 4001(d);

(5) The order provides:

(A) That objections to the order must be filed within 15 days from the service of the order, except that an unsecured creditors' committee may file objections within 15 days of its formation;

(B) That upon the filing of an objection, the final hearing shall be held; and

(C) That if no objections are timely filed, the order may become a final order; and

(6) The motion is accompanied by an affidavit or a declaration of the debtor or a principal of the debtor stating the facts upon which the debtor relies in seeking the entry of the order on an expedited basis, and the amount of money needed to avoid immediate and irreparable harm.

(c) On timely motion, the Court may enlarge or reduce the time within which an objection must be filed. In its discretion, the Court may schedule a hearing on the debtor's motion at any time, with such notice as it deems appropriate.

LOCAL RULE 4001-3
Service of a Motion Pursuant to
FED. R. BANK. P. 4001(d) for Approval of Agreed Relief

(a) *Pleadings Subject to this Rule* - A motion for approval of an agreement (1) to provide adequate protection, (2) for the modification or termination of the stay provided for in section 362 of the Code, (3) for the use of cash collateral, or (4) for approval of an agreement between the debtor and an entity that has a lien or interest in property of the estate pursuant to which the entity consents to the creation of a lien senior or equal to the entity's lien or interest in such property, shall be accompanied by a copy of the agreement. Such a motion and the agreement shall be served by the moving party upon the parties set forth below under the applicable chapter, and a proof of service to that effect must be filed with the Clerk with the motion in order to commence the objection period. The notice shall indicate that objections must be filed and served within 15 days of the mailing of the notice, unless the Court fixes a different date.

(b) *Chapter 7 Case* - Service shall be made upon the following:

(1) The parties to the agreement;

(2) The chapter 7 trustee; and

(3) Any entity which claims an interest in the subject property.

(c) *Chapter 11 Case* - Service shall be made according to FED. R. BANKR. P. 4001(d)(1).

(d) *Chapter 12 Case* - Service shall be made upon the following:

(1) The parties to the agreement;

(2) The chapter 12 trustee;

(3) The secured creditors listed on Schedule D; and

(4) Any entity which claims an interest in the subject property.

(e) *Chapter 13 Case* - Service shall be made upon the following:

(1) The parties to the agreement;

(2) The chapter 13 trustee;

- (3) The secured creditors listed on Schedule D; and
- (4) Any entity which claims an interest in the subject property.

LOCAL RULE 5001
Place of Filing

(a) *General Rule* - Subject to the provisions of FED. R. BANKR. P. 5001 and 5005, all pleadings shall be filed with the Clerk as follows:

(1) *Western District of Michigan - Lower Peninsula* - The petition and any subsequent papers to be filed relating to a bankruptcy case with venue in counties located in the Lower Peninsula shall be filed with the Clerk of the Bankruptcy Court, Gerald R. Ford Federal Building, 110 Michigan, N.W., Grand Rapids, Michigan 49503 (Postal Address: P. O. Box 3310, Grand Rapids, Michigan 49501-3310).

(2) *Western District of Michigan - Upper Peninsula* - The petition and any subsequent papers to be filed relating to a bankruptcy case with venue in counties located in the Upper Peninsula shall be filed with the Clerk of the Bankruptcy Court, U.S. Post Office, 202 West Washington Street, Marquette, Michigan 49855 (Postal Address: P. O. Box 909, Marquette, Michigan 49855-0909).

(b) *Emergency Filings* - In an emergency, pleadings and other papers may be filed in either of the above offices.

LOCAL RULE 5003
Clerk - General/Authority

(a) *Orders, Notices, and Decrees* - The Clerk and Clerk's designated deputy clerks are authorized to sign and enter the following orders, notices, and decrees without further direction by the Court:

- (1) Orders for Relief;
- (2) Orders and Notice of Stay;
- (3) Orders Allowing Installment Payments of Filing Fees;
- (4) Interim Disbursement Orders—Provided that such orders are previously approved by the United States Trustee and are for a sum of \$1,000 or less;
- (5) Notice and Orders of Abandonment;
- (6) Final Decrees;
- (7) Discharge Orders;
- (8) Orders to Employer to Pay Trustee;
- (9) Orders Reducing claims when requested by a creditor to reduce, disallow or withdraw that creditor's claim and orders transferring claims;
- (10) Orders Authorizing a chapter 13 debtor to Obtain Credit only when approved by the trustee and no judge is available to sign the order;
- (11) Writs of Garnishment, Executions and Orders to Pay;
- (12) Orders striking pleadings, motions or other documents intended for filing which are defective because they fail to meet requirements imposed by the Bankruptcy Code, the Federal Rules of Bankruptcy Procedure, or these Local Bankruptcy Rules.

(b) A discharge order stamped with the facsimile signature of a judge of this Court or a discharge order bearing the electronically produced facsimile signature of a judge of this Court may be filed without other signature, and such discharge orders shall be deemed originally signed documents and may be certified as such by the staff of the Court.

(c) *Clerk's Actions Reviewable* - The actions of the Clerk under this Rule may be reviewed, suspended, altered or rescinded by the Court upon motion filed for good cause shown.

LOCAL RULE 5005-1
Filing of Papers

(a) *Facsimile Filings* - Any party may, upon a showing of good cause, and with prior judicial approval, file any paper, other than a bankruptcy petition, by facsimile. The original document shall be promptly filed thereafter.

(b) *Filing by Electronic Transmission* - When guidelines are established by the Court, a party may electronically file.

LOCAL RULE 5005-2
Defective Pleadings and Papers

(a) The Clerk shall time-stamp every pleading or paper presented for filing as soon after receipt as practicable.

(b) The Clerk shall reject, without filing, pleadings or papers:

(1) Which are not accompanied by a fee required to be paid at the time of filing by 28 U.S.C. § 1930 and the Appendix thereto (Bankruptcy Court Miscellaneous Fee Schedule); or

(2) Which are intended to be filed in a case which either does not exist in this Court or has been closed, unless the pleading is a petition to reopen the closed case or is ancillary thereto. For the purposes of this subsection, a fee will not be considered tendered for payment unless it is in cash, is in the form of a properly executed certified check or money order, is an attorney's credit card, or is a check drawn upon the account of an attorney whose checks are acceptable to the Clerk.

(c) The Clerk may reject, without filing, pleadings or papers which are not verified by original signature as required by FED. R. BANKR. P. 1008.

(d) The Clerk may strike, after filing, any pleadings or papers which are defective in any of the following respects:

(1) They are not signed or verified as required by FED. R. BANKR. P. 9011;

(2) They are not accompanied by the required number of copies;

(3) They are required to substantially conform to an official form and they fail to do so or they omit material information;

(4) They are submitted on paper which does not measure 8 ½" by 11"; or

(5) They substantially and materially vary from the requirements of the Bankruptcy Code, the Federal Rules of Bankruptcy Procedure, the Official Bankruptcy Forms, or these Local Bankruptcy Rules.

The Clerk shall send notice of the striking of any pleadings or papers to the filing party as quickly as practicable. A defective pleading or paper which is amended to correct the defect within 20 days shall be considered filed as of the date that the pleading or paper was originally received by the Court.

(e) Failure to file documents with a bankruptcy petition or adversary proceeding complaint required by LBR 5005-3 will be deemed a defective filing.

(f) Any entity affected by the rejection or striking of a pleading may file a motion for judicial review of such action within 20 days of the date of service of the notice of the rejection or striking. If the Court determines that the action of the Clerk was improper, the Court may order that the pleading or paper be deemed properly filed. The time and date of filing shall be determined by the Court. Notice of a motion for judicial review of such action shall be served upon all affected parties by the moving party, who shall also promptly file a proof of service.

LOCAL RULE 5005-3
Documents Required to be Filed with
Petition or Adversary Complaint

Petitions to commence a bankruptcy case or complaints to commence an adversary proceeding must be accompanied by the following documents:

(a) *Voluntary case* -

- (1) Petition;
- (2) Filing fee (or an application and proposed order to allow the fee to be paid in installments);
- (3) Matrix listing the names and addresses of all creditors (plus one copy in chapter 13 cases);
- (4) List of the 20 largest unsecured creditors (chapter 11 cases only);
- (5) Asset Protection Report (chapter 7 only); and
- (6) Pre-filing notice (individual consumer cases only).

(b) *Involuntary cases* -

- (1) Petition; and
- (2) Filing fee.

(c) *Adversary Proceeding* -

- (1) Cover sheet;
- (2) Complaint;
- (3) Summons; and
- (4) Filing fee if required by 28 U.S.C § 1930(a).

If pleadings or papers listed above are not filed simultaneously as required by this Rule, the Clerk will notify the filing attorney (or debtor if *pro se*) of the defect. If the defect is not corrected by the filing of the missing papers within 20 days of service of such notice, the case may be dismissed by the Court without further notice to the debtor or any interested parties.

LOCAL RULE 5005-4
Service of Papers Upon the United States Trustee

Pursuant to the applicable Federal Rules of Bankruptcy Procedure, and in addition to the requirements of the Federal Rules of Bankruptcy Procedure, copies of the following papers shall be transmitted to the United States Trustee contemporaneously with their filing with the Clerk:

- (a) All pleadings (including appeals) filed in a chapter 7 or 11 case;
- (b) Any appeal filed in an adversary proceeding related to a chapter 7 or 11 case;
- (c) Any complaint seeking to except a debt from discharge under section 523 of the Code, or seeking to revoke a discharge or object to a discharge under section 727 of the Code; and

(d) Any settlement pleadings filed in connection with an adversary proceeding or a contested matter in a case under chapter 7 or chapter 11.

This Rule does not limit the discretion of the Court to require, nor of the United States Trustee to request, the service of additional papers under the Federal Rules of Bankruptcy Procedure.

LOCAL RULE 5011 **Withdrawal of Reference**

(a) *Form of Request; Place for Filing* - A request for withdrawal, in whole or in part, of the reference of a case or proceeding referred to the Bankruptcy Court, other than a sua sponte request by a bankruptcy judge, shall be by motion filed with the Clerk of the Bankruptcy Court. The motion must clearly and conspicuously state that "RELIEF IS SOUGHT FROM A UNITED STATES DISTRICT JUDGE."

(b) *Time for Filing* - Except as provided below as to adversary proceedings and contested matters, a motion to withdraw the reference of a whole bankruptcy case shall be served and filed at or before the time first scheduled for the meeting of creditors held pursuant to 11 U.S.C. Section 341(a). Except as provided below as to contested matters, a motion to withdraw the reference of a whole adversary proceeding or any part of an adversary proceeding shall be served and filed on or before the date on which an answer, reply or motion under Bankruptcy Rule 7012 or 7015 is first due. A motion to withdraw the reference of a contested matter within a case shall be served and filed not later than 15 days after service of the motion, application or objection which initiates the contested matter. Notwithstanding the foregoing, a motion to withdraw the reference may be served and filed not later than 15 days after service of any timely-filed pleading or paper in which the basis for the motion first arises.

(c) *Stay* - The filing of a motion to withdraw the reference does not stay proceedings in the Bankruptcy Court. The procedures relating to stay shall be those set forth in FED. R. BANKR. P. 5011.

(d) *Designation of Record* - The moving party shall serve on all interested parties and file with the Clerk of the Bankruptcy Court, together with the motion to withdraw the reference, a designation of those portions of the record of the case or proceeding in the Bankruptcy Court that the moving party believes will reasonably be necessary or pertinent to the United States District Court's consideration of the motion. Within 10 days after service of such designation of record, any other party may serve and file a designation of additional portions of the record. If the record designated by any party includes a transcript of any hearing or trial, or part thereof, that party shall immediately after filing the designation, deliver to the Bankruptcy Court's electronic court recorder operator a written request for the transcript and make satisfactory arrangements for payment of its cost. All parties shall take any action necessary to enable the Clerk to assemble and transmit the record.

(e) *Responses to Motions to Withdraw the Reference; Reply* - Opposing parties must file with the Clerk of the Bankruptcy Court, and serve on all parties to the matter for which withdrawal of the reference has been requested, their written responses to the motion to withdraw the reference, within 10 days after being served with a copy of the motion. The moving party may serve and file a reply within 10 days after service of a response.

(f) *Transmittal to and Proceedings in United States District Court* - When the record is complete for purposes of transmittal, but without awaiting the filing of any transcripts, the Clerk of the Bankruptcy Court shall promptly transmit to the Clerk of the United States District Court the motion and the portions of the record designated. After the opening of a docket in the United States District Court, documents pertaining to the matter under review by the United States District Court shall be filed with the Clerk of the United States District Court, but all documents relating to other matters in the bankruptcy case or adversary proceeding or contested

matter shall continue to be filed with the Clerk of the Bankruptcy Court.

LOCAL RULE 5090
Courthouse Conduct

(a) *Solicitation* - Solicitation of business relating to bonds or to employment as counsel is prohibited in the courthouse.

(b) *Loitering* - Loitering in or about the rooms or corridors of the courthouse is prohibited.

(c) *Disruptive Behavior* - Any behavior, group or individual, which impedes or disrupts the orderly conduct of the business of the Court is prohibited.

(d) *Signs* - Cards, signs, placards, or banners shall not be brought into any of the courtrooms or hallways leading to courtrooms or on any floor in which courtrooms are located.

(e) *Enforcement* - The United States Marshal, deputy marshals, and the authorized employees of the courthouse shall enforce this Rule by ejecting violators from the courthouse or by causing them to appear before one of the judges of this Court for a hearing and for imposition of such punishment as the Court may deem proper.

LOCAL RULE 5091
Photography and Recording

The taking of photographs in any courtroom or its environs in connection with any judicial proceedings, the broadcast of judicial proceedings by radio, television, or other means, or the audio recording of judicial proceedings are prohibited, except that the judicial officer in whose courtroom the proceedings occur may authorize the use of electronic or photographic means for the preservation or presentation of evidence, and the broadcasting, televising, recording or photographing of investitive, ceremonial, or naturalization proceedings. Rules or regulations which may be promulgated by the U.S. Supreme Court pertaining to photography or recording in the courtroom shall be adopted by this Court and will be deemed incorporated into this Rule.

LOCAL RULE 6004
Use, Sale or Lease of Property

(a) *Descriptions of Real Property* - Motions, complaints, and orders filed in proceedings relating to the use, sale or lease of real property, or to liens upon such property shall contain both full and complete legal descriptions in recordable form and street addresses, if any, of the real property in question.

(b) *Report of Sale.*

(1) *Sale by a Chapter 7 Trustee* - The trustee shall file a report regarding the sale of all real or personal property, tangible or intangible, and shall serve a copy of the report on the debtor and the United States Trustee. The report shall include an itemized statement of the property sold, list of bidders, the name of each purchaser, and the price received for each item or lot or for the property as a whole, if sold in bulk, and shall further state the date, time and place of sale. The report shall include a calculation of compensation allowable under the order of appointment of any professional retained to effectuate the sale of the assets, and copies of the sale advertisement along with a summary listing of all sale expenses including but not limited to advertising expenses, sign expenses, labor, per item

mailing expenses and postage expenses.

(2) *Sale by a Chapter 13 Debtor* - A chapter 13 debtor that sells real or personal property, tangible or intangible, shall provide a copy of the closing statement of the sale to the chapter 13 trustee within 14 days of the sale closing.

LOCAL RULE 6005
Auctioneers

The Court shall condition approval of any application to employ an auctioneer under section 327 of the Code upon the requirement that the designated auctioneer provide proof to the Court of a blanket bond in the amount of at least \$100,000. The Court may increase, decrease, or waive the bond in its discretion. The bond shall be drawn in favor of the United States and conditioned upon the faithful performance of the auctioneer's duties to the estate. A proceeding on the auctioneer's bond may be brought by any party in interest in the name of the United States for the use of the entity injured by the breach of the condition.

LOCAL RULE 6007
Abandonments

(a) *Notice of Abandonment* - A trustee shall file with the Clerk a notice of abandonment, pursuant to FED. R. BANKR. P. 6007(a), which substantially conforms to the form appended to these Rules as Exhibit 11.

(b) *Service of Notice of Abandonment in No Asset Cases* - Pursuant to FED. R. BANK. P. 6007(a), this Court directs that when a trustee abandons property of a chapter 7 no asset estate, the trustee shall serve notice of the abandonment upon (1) the debtor, (2) the debtor's attorney (if any), (3) the Office of the United States Trustee, and (4) those parties who have filed a specific request to be served with abandonment notices on or before the date on which the meeting of creditors is concluded. Such service shall be sufficient notification of such action if the notice which is set forth below was properly served on all creditors. This noticing procedure may be used only when the notice of such abandonment is filed at the time of or subsequent to the filing of a report of no distribution. The Clerk shall insert the following provision into the notice of commencement of a chapter 7 case (Official forms 9A and 9B) or shall send a separate notice with the section 341 meeting notice which states:

"Abandonments - Trustees may abandon property in no asset estates without notice to creditors or other interested parties. Anyone wishing to receive notice of such abandonment must file a request with the Court (with a copy to the trustee) by the date the section 341 meeting is concluded."

LOCAL RULE 7026
Applicability of
Federal Rule of Civil Procedure 26 to Contested Matters

Unless the Court orders otherwise in a particular case, FED. R. CIV. P. 26(a)(1), (d), and (f) (applicable to contested matters through FED. R. BANKR. P. 9014) shall not apply to contested matters.

LOCAL RULE 7090
Settlements of Adversary Proceedings

Counsel shall notify the Court immediately upon the settlement of an adversary proceeding. If, by the

date set for the trial, the attorneys have not submitted an order disposing of the proceeding, then counsel may be required to appear and state the settlement on the record and shall submit the appropriate order within 10 days. Failure to submit the appropriate order within 10 days may be cause for dismissal.

LOCAL RULE 9004
General Requirements of Form

(a) *Current Bankruptcy Chapter* - On all pleadings and papers filed with the Clerk after the petition, the debtor's current bankruptcy chapter shall be included in the caption directly below the base case number.

(b) *Judge Designation* - On all pleadings and papers filed with the Clerk after the petition, the name of the judge who is assigned to the base case shall be included in the caption directly below the current chapter designation required in subsection (a) of this Rule.

(c) *Hearing Date, Time and Place Designation* - On all responses, replies, briefs, and legal memoranda filed with the Clerk for which a hearing has been set, the date, time, and place of the hearing shall be included in the caption directly below the judge designation required in subsection (b) of this Rule.

(d) *Designation of Character of Paper* - On all pleadings and papers filed with the Clerk after the petition, a specific description of the nature of the pleading or other paper shall be included in the caption in the center of the page after the designation required by subsection (c) of this Rule and immediately before the body of the pleading or other paper. The description shall be as specific as possible and shall include the number of the paper, if applicable, and the name of the moving party (e.g., ABC Bank's First Motion for Relief from Stay Re: 1994 Chevrolet Cavalier).

(e) *Dates of Filing, Conversion and Dismissal* - Every motion, pleading, or other request for relief shall state the date of filing of the debtor's petition as well as the dates of any subsequent conversion, dismissal, or reinstatement of the case. In complaints or amended complaints governed by Part VII of the Federal Rules of Bankruptcy Procedure, this statement shall be made immediately after the jurisdictional paragraph required by FED. R. BANKR. P. 7008(a). In an application or motion governed by FED. R. BANKR. P. 9014, which pertains to contested matters, this statement shall be made in the first paragraph.

(f) *Attorney Information* - Every pleading, motion or other request for relief filed with the Clerk and signed by any attorney shall state the attorney's telephone number, office address, and state bar identification number directly below the attorney's signature or at some other prominent place.

(g) *Orders* - A proposed order shall state the name, address and telephone number of the person who prepared the order. Each order shall have a brief, specific description of the nature of the order and shall include the number of the order, if applicable, and the name of the moving party (e.g., Order Granting Trustee's Second Motion For Authorization Of Payment Of Fees For Trustee's General Counsel).

LOCAL RULE 9010-1
Admission, Discipline, Suspension and Disbarment

(a) *Definitions* - As used in this Rule, "the Bankruptcy Court" means the United States Bankruptcy Court for the Western District of Michigan. As used in this Rule, "practice in the Bankruptcy Court" has the meaning prescribed for "practice in this Court" in W.D. Mich. LCivR 83.1(a)(iv) (a copy of which may be obtained from the District Court Clerk's office).

(b) *Admission, Suspension, and Disbarment* - Except as provided in subsection (c) and section 304(g)

of Pub. L. 103-394, Oct. 22, 1994, 108 Stat. 4106 (providing special rules for child support creditors and their representatives), W.D. Mich. LCivR 83.1 governs the admission, suspension, discipline, and disbarment of an attorney or law student who seeks to practice in the Bankruptcy Court, or who is practicing in the Bankruptcy Court, as the case may be. An attorney or law student who is admitted to practice in the United States District Court for the Western District of Michigan is admitted to practice in the Bankruptcy Court. If a person files a written complaint with the United States District Court for the Western District of Michigan as contemplated in W.D. Mich. LCivR 83.1(k)(ii) (Initiation of Proceedings), and if the allegations in the complaint are related to proceedings before the Bankruptcy Court, a copy of the complaint shall be contemporaneously filed with the Clerk of the Bankruptcy Court.

(c) *Discipline Other Than Suspension or Disbarment* - A bankruptcy judge may impose discipline, except suspension or disbarment, on any attorney who engages in conduct violating the Rules of Professional Conduct; willfully violates these Rules, the Federal Rules of Bankruptcy Procedure, or orders of the Bankruptcy Court; or engages in other conduct unbecoming of a member of the bar of the Bankruptcy Court. Prior to the imposition of discipline, the attorney shall be afforded an opportunity to show good cause, within such time as the Bankruptcy Court shall prescribe, why the discipline should not be imposed. Upon the attorney's response to show cause, and after hearing, if requested and allowed by the bankruptcy judge, or upon expiration of the time prescribed for a response if no response is made, the Bankruptcy Court shall enter an appropriate order.

LOCAL RULE 9010-2 **Representation and Appearances**

In all matters and proceedings before this Court, only individuals may appear and represent themselves. All other entities shall be represented by an attorney except as provided by statute or applicable rule to the contrary. For purposes of filing a proof of claim, participating in a section 341 meeting, or filing a reaffirmation agreement, a creditor may be represented by or appear through an attorney or may act on its own behalf.

LOCAL RULE 9011 **Signing of Papers**

A signature transmitted by facsimile shall be deemed to be an original signature for purposes of FED. R. BANKR. P. 9011.

LOCAL RULE 9013 **Motion Practice**

(a) *Applicability* - This Rule applies to relief requested pursuant to FED. R. BANKR. P. 9013 and 9014, regardless of the style or title of such request.

(b) *Ex Parte Relief* - If the requested relief may be granted without a hearing and without prior notice to interested parties, the movant shall file an original and one copy of the motion and proposed order with a request that the order be signed.

(c) *Notice with Opportunity to Object* - A party seeking relief without an actual hearing shall follow the procedures set forth herein unless the Bankruptcy Code, the Federal Rules of Bankruptcy Procedure, or these Local Bankruptcy Rules or unless the Court otherwise directs.

(1) The following documents shall be filed pursuant to this subsection:

(A) A notice to the debtor and all other parties upon whom service is required by the

Bankruptcy Code, the Federal Rules of Bankruptcy Procedure, or these Local Bankruptcy Rules or as otherwise directed by the Court stating that the party being served with the motion has 15 days (20 days for matters set forth in FED. R. BANKR. P. 2002(a) and 30 days for objections to claims) from the date of service to file and serve a response which may include a request for a hearing. In either event, the response shall set forth with specificity the grounds for objection and/or the reasons a hearing is being requested;

(B) A copy of the order proposed by the moving party; and

(C) A proof of service indicating the parties served with the documents required herein and the date and manner of service.

(2) If no timely response and/or request for hearing is filed and if the Court has not otherwise directed that a hearing be held, the Court may grant relief without a hearing. The movant shall file with the Court, no earlier than 20 days (25 days for matters set forth in FED. R. BANKR. P. 2002(a) and 35 days for objections to claims) from the date of service of the notice, a copy of the notice, a certificate stating that no timely response or request for hearing has been filed, and a proposed order and a request that the proposed order be signed. The Court may sign the proposed order, require the moving party to prepare a new proposed order, draft and enter its own order, or schedule a hearing.

(3) If a timely request for hearing is filed or if the Court has directed that a hearing be held, the Clerk shall schedule a hearing on the motion and prepare a notice of hearing and send the notice to the moving party for service on all required parties.

(4) The procedure set forth herein shall not be used for plan confirmation hearings, disclosure statement approval hearings, or dismissal and/or conversion motion hearings.

(d) *Authorization for Chapter 13 Trustees to Use "Notice and Opportunity" Basis for Motions to Dismiss*

- A dismissal motion shall be stated with particularity and filed by the chapter 13 trustee resulting from a debtor's failure to make timely payments or other cause, may be noticed by the chapter 13 trustee's office to the debtor and debtor's attorney on a "notice and opportunity" basis pursuant to FED. R. BANKR. P. 9014.

(1) *Bar Date for Response to Motion to Dismiss* - Any responsive pleading filed by the debtor or debtor's attorney to the trustee's motion to dismiss filed under subsection (a) above must be filed with the Court and served upon the chapter 13 trustee with 30 days of the date on which the trustee served the motion to dismiss.

(2) *Particularity Requirement for Response to Motion to Dismiss* - The response filed by the debtor or debtor's attorney must state with particularity the reasons why the motion to dismiss should not be granted. For example, some legitimate responses might be: the debtor has made the requisite payments; the debtor was unemployed and returned to work with a payroll order being entered; the debtor has encountered a material change in circumstances and a motion to modify the chapter 13 plan has been filed; and the debtor has refinanced his/her house and a lump sum payment will be made to pay off the plan.

(3) *Remedy if a Proper Response is Not Filed* - Should the debtor or debtor's attorney not file a proper response as set forth in subsection (1) above within 30 days of the date the trustee served a motion to dismiss, trustee may, at any time after the expiration of that 30-day period, file with the Court an affidavit of no response together with a proposed order to dismiss. The Court will enter the dismissal order provided its form is acceptable to the Court. Upon entry of the order, any hearing previously scheduled on the trustee's motion to dismiss will be canceled as moot.

(4) *Hearing Date if a Proper Response is Filed* - If a debtor or debtor's attorney files a proper response to the trustee's motion to dismiss, the Court shall hold a hearing at the date and time originally noticed to the debtor and debtor's attorney along with the motion to dismiss. Generally, the hearing date will have been scheduled for a date some 8 to 15 days from when the 30-day period specified in subsection (1) would have expired.

(e) *Scheduling* - For all other motions, when such motion is filed, the Clerk shall schedule the matter for hearing.

(f) *Responses and Briefs* - Absent good cause, a party required to or electing to file a brief or respond to a motion must file and serve its brief or response upon required parties at least 5 days prior to the scheduled hearing thereon and file a proof of service thereof.

(g) *Combined Motions Prohibited* - Every request for an order from the Court shall be filed separately except for requests for alternative relief which may be combined in one pleading.

(h) *Copies and Spacing* - Original motions, stipulations, affidavits, objections, and proposed orders shall be accompanied by one copy. Briefs and Memoranda of Law shall be double spaced and shall be accompanied by two copies.

(i) *Stay Motions* - Motions for relief from stay are also subject to the provisions of LBR 4001-1.

LOCAL RULE 9015

Jury Trials

(a) *Applicability of Certain Federal Rules of Civil Procedure* - FED. R. CIV. P. 38, 39, and 47-51, and FED. R. CIV. P. 81(c) insofar as it applies to jury trials, apply in cases and proceedings, except that a demand made under FED. R. CIV. P. 38(b) shall be filed in accordance with FED. R. BANKR. P. 5005.

(b) *Consent* - If the right to a jury trial applies, a timely demand has been filed under FED. R. CIV. P. 38(b), and in accordance with an order of the United States District Court for the Western District of Michigan dated April 24, 1995 (Administrative Order no. 95-24), specially designating that all bankruptcy judges of this district may conduct jury trials as designated therein, the parties may consent to have a jury trial conducted by a bankruptcy judge under 28 U.S.C. Section 157(e) by jointly or separately filing a statement of consent no later than submission by the parties of the Joint Final Pretrial Order.

LOCAL RULE 9017

Teleconferencing and Videoconferencing

Participation by Teleconference or Video Conference - The Court in its discretion may permit any party or witness to appear at any proceeding before the Court by teleconference or video conference. Unless the Court orders otherwise, application therefor may be made informally and without a written request provided timely notice is given to the other parties unless the Court directs otherwise. The Court may grant such request without a written order.

LOCAL RULE 9021

Entry of Orders and Judgments

Preparation of Orders and Judgments - Unless otherwise directed by the Court, orders and judgments shall be prepared in writing by the prevailing party. The prevailing party shall serve copies of orders and judgments on required parties promptly after entry by the Court and shall file a proof of service with the Clerk attesting to such service.

LOCAL RULE 9029

General Provisions

(a) *Prior Rules Superseded* - These Local Rules of Practice for the United States Bankruptcy Court for

the Western District of Michigan provide standardized procedures for the convenience of the bench and bar. They supersede all previous local rules and general orders.

(b) *General Orders* - Should any matter of practice or procedure require the attention of the Court prior to amendment of these Rules, the Court may enter a general order which will have the same force and effect as the Local Rules. The Clerk shall maintain a file of such general orders entered by the Court and shall date and number them chronologically. General orders shall be posted for public inspection in the office of the Clerk and on the Court's Internet Web site at www.miw.uscourts.gov.

(c) *Technical Corrections* - Technical corrections to these Rules may be made by the Court at any time and notice of such will be provided on the Court's Internet Web site at www.miw.uscourts.gov, and posted in the Clerk's office.

(d) *Suspension or Modification* - Any judge of this Court may suspend or modify a requirement or provision of any of these Local Rules in a particular case, adversary proceeding, or contested matter on the Court's own motion or on motion of a party.

EXHIBIT INDEX

Local Rule 1007-2

(b)(2)	Exhibit 1	(formerly 2A)	Matrix Instructions
(b)(2)	Exhibit 2	(formerly 3)	Matrix Verification
(b)(3)	Exhibit 3	(formerly 2B)	Matrix Disk Instructions
(c)(1)(D)	Exhibit 4	(formerly 4)	Asset Protection Report
(d)(1)	Exhibit 5	(formerly 1)	Pre-Filing Notice

Local Rule 1009

(a)	Exhibit 6	(new exhibit)	Coversheet for Amendments
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Local Rule 2016

(a)(1)	Exhibit 7	(formerly 5)	Fee Notice - Chapter 7
(a)(6)	Exhibit 8	(formerly 6)	No Objection Affidavit
(c)(3)	Exhibit 9	(new exhibit)	Fee Notice - Chapter 12 & 13

Local Rule 3020

Exhibit 10	(formerly 7)	Post Confirmation Report
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Local Rule 6007

(a)	Exhibit 11	(formerly 10)	Notice of Abandonment
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